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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA
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10 PATRICK KEITH STEARNS

11 Plaintiff,

12 v.

13 STATE OF WASHINGTON, *et al.*,

14 Defendants.

15 Case No. C10-5187BHS/JRC

16 REPORT AND RECOMMENDATION

17 **NOTED FOR:**

18 June 18 2010

19 This Civil Rights Action filed pursuant to 42 U.S.C. § 1983 has been referred to the
20 undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and
21 Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has failed to file service copies
22 and the Court recommends this action be dismissed.

23 On March 18, 2010, the clerk's office sent plaintiff a letter outlining the deficiencies in
24 his filings. Plaintiff did not provide service copies of his complaint (Dkt. # 2). That letter gave
25 plaintiff until April 19, 2010, to provide service copies. Further, the letter informed plaintiff that
26 if he did not provide the service copies his action was subject to dismissal (Dkt. # 2). While the

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1 complaint is only 8 pages long, there are twenty named defendants (Dkt. # 1, proposed
2 complaint).

3 On April 15, 2010, plaintiff sent a letter indicating he would hand write copies of the
4 complaint (Dkt. # 7). As of May 21, 2010 nothing has been filed. The court now recommends
5 this action be dismissed for failure to comply with the clerk's office letter and failure to
6 prosecute. The court considers this letter to have the same effect as a court order. The authority
7 for dismissal is found in Fed.R.Civ.P. 41 (b).

8 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
9 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
10 objections. See also Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those
11 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the
12 time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on June
13 18, 2010, as noted in the caption.

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15 Dated this 24th day of May, 2010.

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19 J. Richard Creatura
20 United States Magistrate Judge
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